

REFERENCE TITLE: **clean elections; repeal**

State of Arizona
House of Representatives
Forty-eighth Legislature
First Regular Session
2007

HCR 2020

Introduced by
Representatives Murphy: Adams, Crandall, Groe, Mason, Pearce

A CONCURRENT RESOLUTION

ENACTING AND ORDERING THE SUBMISSION TO THE PEOPLE OF A MEASURE RELATING TO
THE CITIZENS CLEAN ELECTIONS ACT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it resolved by the House of Representatives of the State of Arizona, the
2 Senate concurring:

3 1. Under the power of the referendum, as vested in the Legislature,
4 the following measure, relating to the citizens clean elections act, is
5 enacted to become valid as a law if approved by the voters and on
6 proclamation of the Governor:

AN ACT

REPEALING TITLE 16, CHAPTER 6, ARTICLE 2, ARIZONA REVISED STATUTES; AMENDING SECTIONS 41-2421 AND 43-323, ARIZONA REVISED STATUTES; RELATING TO THE CITIZENS CLEAN ELECTIONS ACT.

Be it enacted by the Legislature of the State of Arizona:

Section 1. Repeal

Title 16, chapter 6, article 2, Arizona Revised Statutes, is repealed.

Sec. 2. Section 41-2421, Arizona Revised Statutes, is amended to read:

41-2421. Enhanced collections; allocation of monies; criminal justice entities

A. Notwithstanding any other law and except as provided in subsection J of this section, five per cent of any monies collected by the supreme court and the court of appeals for the payment of filing fees, including clerk fees, diversion fees, fines, penalties, surcharges, sanctions and forfeitures, shall be deposited, pursuant to sections 35-146 and 35-147, and allocated pursuant to the formula in subsection B of this section. This subsection does not apply to monies collected by the courts ~~pursuant to section 16-954, subsection C, or~~ for child support, restitution or exonerated bonds.

B. The monies deposited pursuant to subsection A of this section shall be allocated according to the following formula:

1. 21.61 per cent to the state aid to county attorneys fund established by section 11-539.

2. 20.53 per cent to the state aid to indigent defense fund established by section 11-588.

3. 57.37 per cent to the state aid to the courts fund established by section 12-102.02.

4. 0.49 per cent to the department of law for the processing of criminal cases.

C. Notwithstanding any other law and except as provided in subsection l of this section, five per cent of any monies

In subsection 5 of this section, five per cent of any monies collected by the superior court, including the clerk of the court and the justice courts in each county for the payment of filing fees, including clerk fees, diversion fees, adult and juvenile probation fees, juvenile monetary assessments, fines, penalties, surcharges, sanctions and forfeitures, shall be

1 transmitted to the county treasurer for allocation pursuant to
2 subsections E, F, G and H of this section. This subsection does
3 not apply to monies collected by the courts ~~pursuant to section~~
4 ~~16-954, subsection C or~~ for child support, restitution or
5 exonerated bonds.

6 D. The supreme court shall adopt guidelines regarding the
7 collection of revenues pursuant to subsections A and C.

8 E. The county treasurer shall allocate the monies
9 deposited pursuant to subsection C of this section according to
10 the following formula:

11 1. 21.61 per cent for the purposes specified in section
12 11-539.

13 2. 20.53 per cent for the purposes specified in section
14 11-588.

15 3. 57.37 per cent to the local courts assistance fund
16 established by section 12-102.03.

17 4. 0.49 per cent to the state treasurer for transmittal
18 to the department of law for the processing of criminal cases.

19 F. The board of supervisors in each county shall
20 separately account for all monies received pursuant to
21 subsections C and E of this section and expenditures of these
22 monies may be made only after the requirements of subsections G
23 and H of this section have been met.

24 G. By December 1 of each year each county board of
25 supervisors shall certify if the total revenues received by the
26 justice courts and the superior court, including the clerk of
27 the superior court, exceed the amount received in fiscal year
28 1997-1998. If the board so certifies, then the board shall
29 distribute the lesser of either:

30 1. The total amount deposited pursuant to subsection C of
31 this section.

32 2. The amount collected and deposited pursuant to
33 subsection C of this section that exceeds the base year
34 collections of fiscal year 1997-1998. These monies shall be
35 distributed according to the formula specified in subsection E
36 of this section. Any monies remaining after this allocation
37 shall be transmitted as otherwise provided by law.

38 H. If a county board of supervisors determines that the
39 total revenues transmitted by the superior court, including the
40 clerk of the superior court and the justice courts in the
41 county, do not equal the base year collections transmitted in
42 fiscal year 1997-1998 the monies specified in subsection C of
43 this section shall be transmitted by the county treasurer as
44 otherwise provided by law.

1 I. For the purposes of this section, base year
2 collections shall be those collections specified in subsection C
3 of this section.

4 J. Monies collected pursuant to section 12-116.01,
5 subsection B shall be allocated as follows:

6 1. 15.44 per cent to the state aid to county attorneys
7 fund established by section 11-539.

8 2. 14.66 per cent to the state aid to indigent defense
9 fund established by section 11-588.

10 3. 40.97 per cent to the state aid to the courts fund
11 established by section 12-102.02.

12 4. 0.35 per cent to the department of law for the
13 processing of criminal cases.

14 5. 14.29 per cent to the Arizona criminal justice
15 commission for distribution to state, county and municipal law
16 enforcement full service forensic crime laboratories pursuant to
17 rules adopted by the Arizona criminal justice commission.

18 6. 14.29 per cent to the supreme court for allocation to
19 the municipal courts pursuant to subsection K of this section.

20 K. The supreme court shall administer and allocate the
21 monies received pursuant to subsection J, paragraph 6 of this
22 section to the municipal courts based on the total amount of
23 penalty assessments transmitted pursuant to section 12-116.01 by
24 that jurisdiction's city treasurer to the state treasurer for
25 the prior fiscal year divided by the total amount of penalty
26 assessments transmitted to the state treasurer pursuant to
27 section 12-116.01 by all city treasurers statewide for the prior
28 fiscal year. The municipal court shall use the monies received
29 to improve, maintain and enhance the ability to collect and
30 manage monies assessed or received by the courts, to improve
31 court automation and to improve case processing or the
32 administration of justice. The municipal court shall submit a
33 plan to the supreme court and the supreme court shall approve
34 the plan before the municipal court begins to spend these
35 allocated monies.

36 Sec. 3. Section 43-323, Arizona Revised Statutes, is
37 amended to read:

38 43-323. Place and form of filing returns

39 A. All returns required by this title shall be in such
40 form as the department may from time to time prescribe and shall
41 be filed with the department.

42 B. The department shall prescribe a short form return for
43 individual taxpayers who:

44 1. Are eligible and **WHO** elect to pay tax based on the
45 optional tax tables pursuant to section 43-1012.

1 2. Elect to claim the optional standard deduction
2 pursuant to section 43-1041.

3 3. Elect not to file for credits against income tax
4 liability other than those contained in ~~section 16-954,~~
5 ~~subsection B and~~ sections 43-1072, 43-1072.01 and 43-1073.

6 4. Are not required to add any income under section
7 43-1021 and WHO do not elect any subtractions under section
8 43-1022, except for the exemptions allowed under section
9 43-1023.

10 C. The department may provide a simplified return form
11 for individual taxpayers who:

12 1. Are eligible and WHO elect to pay tax based on the
13 optional tax tables pursuant to section 43-1012.

14 2. Are residents for the full taxable year.

15 3. File as single individuals or married couples filing
16 joint returns under section 43-309.

17 4. Are not sixty-five years of age or older or blind at
18 the end of the taxable year.

19 5. Claim no exemptions under section 43-1023 for the
20 taxable year.

21 6. Elect to claim the optional standard deduction under
22 section 43-1041.

23 7. Are not required to add any income under section
24 43-1021 and do not elect to claim any subtractions under section
25 43-1022 or file for any credits under chapter 10, article 5 of
26 this title except the credits provided by sections 43-1072.01
27 and 43-1073.

28 8. Do not elect to contribute a portion of any tax refund
29 as provided by ~~any provision of~~ chapter 6, article 1 of this
30 title. Notwithstanding ~~any provision of~~ chapter 6, article 1 of
31 this title, a simplified return form under this subsection shall
32 not include any space for the taxpayer to so contribute a
33 portion of a refund.

34 D. The department shall prepare blank forms for the
35 returns and shall distribute them throughout the state and
36 furnish them upon application. Failure to receive or secure the
37 form does not relieve any taxpayer from making any return
38 required.

39 2. The Secretary of State shall submit this proposition to the voters
40 at the next general election as provided by article IV, part 1, section 1,
41 Constitution of Arizona.